GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

PS –PR and RD Department - Allegation of irregularities in the execution of work "Road from Jarjangi – Sowdam road at Km 1/0 to pattapuram" in PR Division, Srikakuam" – Disciplinary Proceedings and charges framed **against Sri B. Appala Naidu**, Executive Engineer, PIU Division, Srikakulam (Now Retired)- Held proved in the Regular Inquiry – Representation – Imposition of a penalty of **5%** cut in pension for a period of **one (1) year** under Rule 9 of A.P. Revised Pension Rules, 1980 – Orders-Issued.

PANCHAYAT RAJ AND RURAL DEVELOPMENT (VIG.I) DEPARTMENT

G.O.Rt.No.275 **Dated:10.05.2023**

Read the following:

1. From GA (V&E) Deptt., Vigilance Report No.47 (1377/V&E/E2/2009), dated: 27.07.2011.
2. From the ENC, PR, Lr. No.Vig.I (1)/9906/2012, Dated: 25.02.2012.
3. G.O.Rt.No.1662, PR&RD (Vig.II) Department, Dt.06.09.2012.
4. From Sri B. Appala Naidu, E.E, PR, written statement of defence dt: 28.09.2012.
5. G.O.Rt.No.831, PR&RD (Vig. I) Dept., Dt: 25.08.2015.
6. From Smt. K. Padmaja, Chief Engineer (NREGS), PR & Inquiry Officer, Letter NO. Vig. Report NO. 47/ Enquiry Report/SKLM/15, dated: 07.01.2016.
7. Govt. Memo No. 19629/Vig. I/2011, PR&RD (Vig. I) Department, Dt: 06.07.2016.
8. From the ENC, PR, Lr. No. Vig. I(1)/9906/2011, dated: 13.07.2018.
9. Govt. Memo No. 19629/Vig. I/2011, PR&RD (vig. I) Department, Dated: 22.06.2020.
10. From Sri B. Appala Naidu, retired E.E (PR), representation dated: 01.12.2022.
11. Govt Letter No. 19629 Vig. I/2011, PR&RD (Vig. I) Department, Dt: 14.02.2023.
12. From the Secretary, APPSC, Letter No. GAD03-APPS0DCC/40/2023-DC SEC-APPSC (Computer No. 2040588), dt: 27.04.2023.

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ORDER:

Based on the recommendations made in the Vigilance & Enforcement Report dt: 27.07.2011 vide reference 1st read above, Government vide reference 3rd cited, have initiated disciplinary proceedings duly framing following article of charge against Sri B. Appala Naidu, Executive Engineer, PIU Division, Srikakulam, among others, under Rule 20 of A.P.C.S (CC&A) Rules, 1991 on the

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allegation of irregularities in execution of work "Road from Jarjangi - Sowdam road at Km 1/0 to Pattapuram" in PR Division, Srikakuam" Srikakulam District" with a direction to submit his Written Statement of Defence :

Charge:

That Sri B.Appala Naidu, EE, PIU Division Srikakulam has committed certain irregularities in execution of work "Road from Jarjangi-Sowdam road at KM 1/0 to Pattupuram" in Srikakulam District as he has (1) not obtained mix design for CC used in pavement, (2) Allowed and made payment for the substandard quality of concrete (Rejected value – Rs.10,25,824/-) in contravening the APCS (Conduct) Rules, 1964.

2. In the reference 4th read above, the Charged Officer has submitted his written statement of defence. Government having not satisfied with the same, have decided to conduct regular inquiry into the charge framed against the charged officer including against two (2) other co-charged officers involved in the case. Accordingly, in the reference 5th read above, Government have appointed Smt. K. Padmaja, Chief Engineer, NABARD, O/o. the Engineer-in-Chief, Panchayat Raj as the Inquiring Authority to conduct inquiry into matter.

3. In the reference 6th read above, the Chief Engineer, NREGS & NCRMP and Inquiring Authority has submitted inquiry report dt:07.01.2016, wherein the Inquiry Officer among others has held that charge is proved against the charged officer Sri B. Appala Naidu, E.E (Retired).

4. In the reference 7th read above, Government, among others, have communicated copy of the inquiry report to the charged officer Sri B. Appala Naidu, Executive Engineer (PR) (Retired) as per Rule 21 (2) of APCS (CC&A) Rules, 1991 for his representation on the findings of the Inquiry Officer. The Engineer-in-Chief, Panchayat Raj, vide reference 8th read above has furnished dated acknowledgment copy according to which the reference 7th read above was got served on the charged officer Sri B. Appala Naidu, Executive Engineer (PR) (Retired) on 14.12.2016 itself, but the charged officer has not submitted his representation.

5. Government have examined the matter and observe that the charged officer Sri B. Appala Naidu, Executive Engineer, PIU Division, Srikakulam being the supervising authority and overall in charge, should have taken utmost care while executing the work. The Vigilance & Enforcement conducted inspection over the work and pointed out deficiencies in the work causing loss to Government. After such vigilance inspection only, the recovery was made good from the contractor. The charged officer failed to discharge his legitimate duties. Accordingly, Government have taken a provisional decision to impose a penalty of 5% cut in pension for a period of one (1) year against the charged officer Sri B.Appala Naidu, Executive Engineer (PR)(Retired) under Rule 9 of A.P. Revised Pension Rules, 1980 in the matter.

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The above provisional decision has been communicated through the reference 9th read above to the Charged Officer with a direction to submit his representation if any within (15) days from the date of receipt of this memo.

6. In the reference 10th read above, the charged officer **Sri B. Appala Naidu,** Executive Engineer (PR) (Retired) has submitted his representation duly stating that he was only the supervisory officer of the post of Executive Engineer,PIU Division, Srikakulam and the concerned Engineering Personnel viz., Sri R. Satyanarayana, AE /MEO, Kotabommali and Sri K. Lavanya Kumar, Dy.EE, PR, Kotabommali are responsible in execution of above work. The recovery as pointed out by the Vigilance & Enforcement has been made good. He had retired from service on 31.10.2013 and his pensionary benefits pending and requested the Government to drop proposed penalty in the matter.

7. Government have examined the matter and observe that the charged officer Sri B. Appala Naidu, Executive Engineer, PIU Division, Srikakulam being the supervising authority and overall in charge, should have taken utmost care while executing the work. The Vigilance & Enforcement conducted inspection over the work and pointed out deficiencies in the work causing loss to Government. After such vigilance inspection only, the recovery was made good from the contractor. Hence the charged officer is responsible. In this case, the concerned A.E and Dy.EE viz., Sri R.Satyanarayana, the then AE/MEO, Kotabommali and Sri K. Lavanya Kumar, former Dy.EE, Kotabommali and working as Dy.,EE,PR, Salur were already been awarded with a penalty of "stoppage of two annual grade increments without cumulative effect under Rule 9 (iv) of APCS (CC&A) Rules, 1991" each vide G.O.Rt.Nos. 352 & 353, PRR&RD (Vig.I) Dept., Dt: 22.06.2020 respectively. As such the contention of charged officer Sri B. Appala Naidu, Executive Engineer (Retired) to drop proposed penalty is devoid of merits since he is not absolved from the charge.

8. Accordingly Government after examination of the matter, have taken decision to proposed further with the above proposed penalty as the charged officer has not adduced any new/valid grounds in his present representation. Accordingly addressed the A.P.Public Service Commission for their concurrence on the above proposed penalty, vide reference 11th read above.

9. In the reference 12th read above, the Secretary, A.P.Public Service Commission has communicated the consent of the Commission to impose the above penalty against the charged officer and advised to take action accordingly.

10. Accordingly, Government after careful examination of the matter, hereby impose the penalty of 5% cut in pension for a period of one year (1) year against Sri B. Appala Naidu, former Executive Engineer, PIU Division, Srikakulam (now Retired) under Rule 9 of A.P Revised Pension Rules, 1980 in the matter.

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11. The Engineer- in - Chief, panchayat Raj, AP, Vijayawada shall take necessary action in the matter.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

B.RAJSEKHAR
SPECIAL CHIEF SECRETARY TO GOVERNMENT

To
The Engineer-in-Chief, Panchayat Raj, APk Vijayawada.
Sri B. Appala Naidu, former E.E, PR, Srikakulam (Retired)
Flat No.409,MVN Presidency, Venkojipalem,
Visakhapatnam-530022
through Engineer-in-Chief, Panchayat Raj, A.P, Vijayawada (with a request to serve the order on the individual and furnish served copy)

Copy to:
The Secretary, A.P. Public Service Commission,
AP, Vijayawada.
The Secretary to VC, A.P. Vigilance Commission, Velagapudi.
The AG, AP, Vijayawada.
The PR&RD (Estt. I) Department.
The OSD to Hon'ble Dy.C.M for PR&RD.
The PS to Spl. C.S to Govt, PR&RD Dept.,
SF/SC.

//FORWARDED :: BY ORDER //

SECTION OFFICER